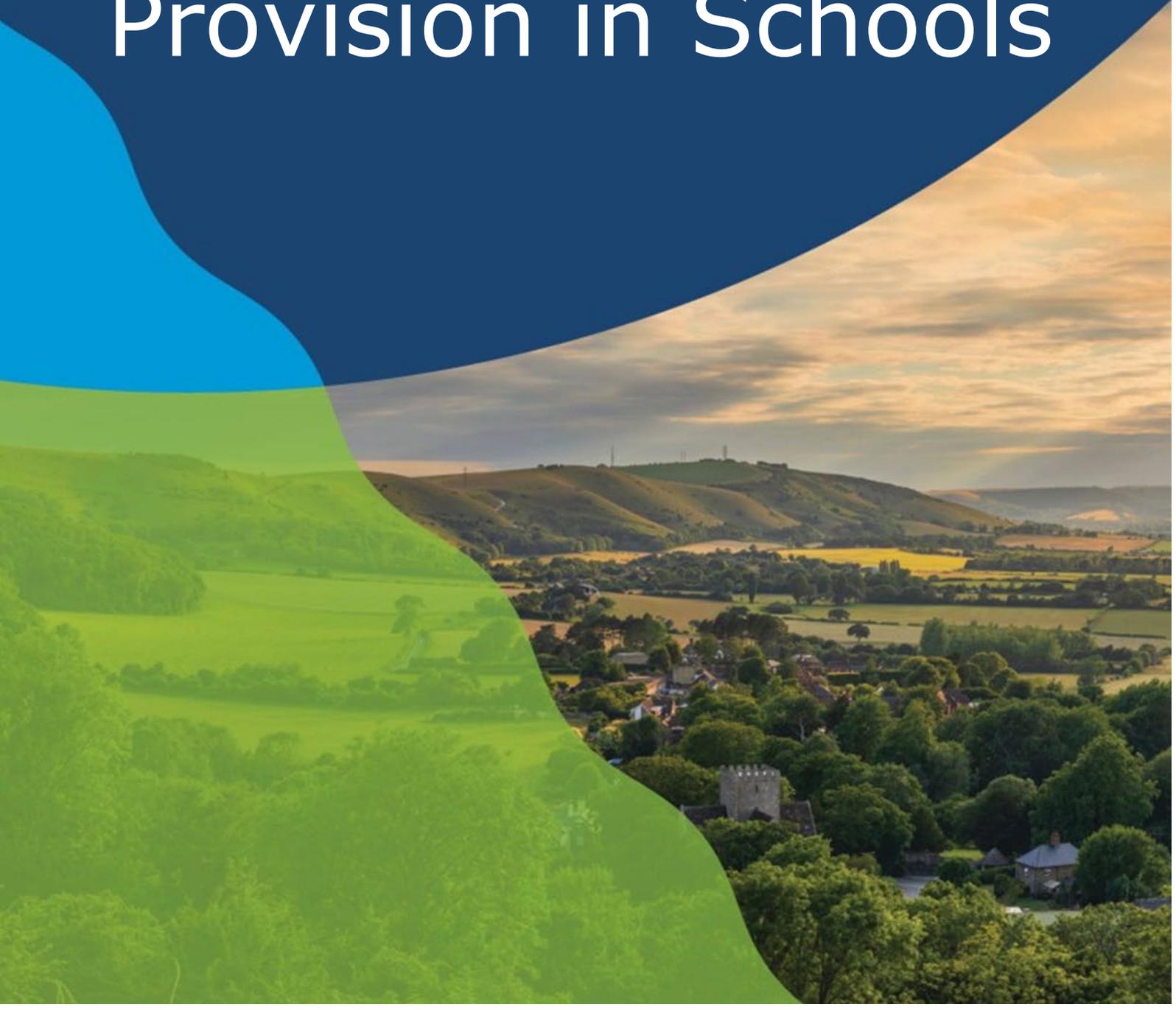


Guidance for Establishing Early Years and Childcare Provision in Schools



Contents

Introduction	3
Step 1: What do you want to do?	3
Step 2: School run provision or a PVI provider?	5
Step 3: Market Research and Consultation	6
Step 4: Developing a Business Plan.....	7
Step 5: Financial Planning	8
Step 6: Registering School-Based Provision.....	10
Step 7: Offering Early Years Funded Entitlements.....	11
Step 8: Other funding streams.....	11
Step 9: Staffing and Recruitment	12
Step 10: Marketing and Promotion	14
Step 11: Health and Safety	14
Step 12: Paperwork	15
Step 13: Quality.....	15
Step 14: Supporting children with Special Educational Needs and Disabilities (SEND).....	16
Appendix A: Tendering process for selecting a High-Quality Provider to run Early Years and Childcare Provision at your school	17

Introduction

Local authorities are required by legislation to secure sufficient childcare places, so far as is reasonably practicable, for working parents, or parents who are studying or training for employment, for children aged 0–14 (or up to 18 for disabled children).

West Sussex County Council (WSCC) is actively encouraging schools to consider the need in their community for early years and childcare services.

Your school may also receive requests from parents or childcare providers to consider establishing childcare through the [Responding to requests for wraparound childcare - GOV.UK](#)

To assist your school, we have developed this guidance to support your journey to develop high quality, sustainable early years, and childcare provision.

Although this is written as a step-by-step guide, you may find that some steps take place concurrently, although it is strongly advised that steps 1–3 are carried out first.

Developing high quality, sustainable early years and childcare provision is not a quick process, and your plans should take this into consideration. This process can take anywhere between 6–12 months, possibly longer if your project includes building alterations.

The process must be owned and led by those responsible for the governance of the school. For example, the governing body, the academy trust, or diocese. For the purpose of this document, we will refer to this as the governing body.

Please Note: Schools who are not controlled and run by the local authority, for example, Academies, Voluntary Aided, Free Schools, Foundation and Trust schools, will need to ensure they comply with their own governance.

All schools **must** inform the LA of their intention to set up early years and childcare provision on site at the earliest opportunity. This will ensure you receive advice and support throughout the project via your local Early Years and Childcare team.

Please complete the online form which you can find on our [Early Years Business Support](#) page.

Step 1: What do you want to do?

This first thing you need to consider is what kind of early years and childcare (EYC) provision are you hoping to offer. This could be:

Early years provision - childcare and education for children under the age of 5 years:

- Pre-School - typically term time only, 9am-3pm
- Day Nursery - typically all year round, 8am-6pm

Wraparound childcare - childcare for school aged children that wraps around the conventional school day:

- Before school childcare (breakfast club) - typically term time only from at least 8am
- After school childcare - typically term time only until at least 6pm.

Holiday playscheme – provide childcare for school aged children during school holidays.

For the purpose of this document, we will refer to these different types of provision as early years and childcare. For further information on definitions for these different types of settings visit our [Childcare Options](#) page.

Your initial idea may alter following research and consultation, however, before taking the next steps to assess the viability of opening early years and childcare provision on the school site, you will need to get approval in principle to proceed from the following:

1. The School's Governing Body
At this stage, the governing body should have given approval in principle, which should be included in the formal minutes of the full governing body. The governing body must be kept informed at all stages of the project. You should discuss the aims and objectives of the plan and how this will fit with the school's ethos, current use of the school buildings and wider plans.
2. West Sussex County Council (WSSCC) Property Services Estates Team
First and foremost, any school accommodation must be used for meeting the basic demands of the school. WSSCC therefore would reserve the right to 'reclaim' any space used as early years or childcare, if required for educational purposes. With that in mind, any school wishing to introduce early years and childcare provision will need to ensure the following has been undertaken in assessing the proposal:
 - i. Identify the surplus rooms or space to be used, including any external areas,
 - ii. Identify the periods of use proposed and the impact on existing school space and the ability to deliver the full curriculum.
 - iii. Determine if the proposal is a commercial undertaking (this is discussed in more detail later in step 4 of this guide).
 - iv. Determine procedures for terminating the arrangement if necessary (e.g. notice period)
 - v. Determine if a School Managed Project request (Form A) must be submitted, should there be a change of use for the identified premises, or any works required to facilitate this use.

These steps must take place prior to assessing the viability in detail. You must secure permission in principle to use any surplus accommodation for this purpose before moving forward.

Please contact WSCC Property Services Estates team for support and guidance via valuations.estates@westsussex.gov.uk.

Please note: premises must meet the registration requirements of the [Ofsted Registers](#) and the [Early Years Foundation Stage Statutory Framework for group and school-based providers](#). See Step 13: Quality for more information.

Step 2: School run provision or a PVI provider?

Schools can set up early years and childcare provision in the following ways:

- a. **Section 27 community powers (maintained schools only)** – as per the [Education Act 2002](#), these powers allow schools to provide any charitable purpose (such as early education) for the benefit of families of pupils at the school, or families who live or work in the locality of the school. Where this is early years provision, the children attending this provision are not usually registered as pupils.
- b. **As pupils** (all schools)– schools who have altered their age-range to include early years, can register the children as pupils. The guidance below gives details of the processes involved for schools proposing a change to lower their age range.
 - [School organisation: local-authority-maintained schools - GOV.UK](#)
 - [Making significant changes \('prescribed alterations'\) to maintained schools](#)
 - [Academies: making significant changes or closure by agreement - GOV.UK](#)
- c. **In partnership (all schools)** with a private, voluntary, or independent (PVI) provider - some of the benefits of using a PVI provider include:
 - The school can select a high quality, experienced provider to take on all aspects of the running of the provision.
 - There will be limited financial risk to the school.
 - Rent can be paid directly to the school which could generate income.
 - The provider and the school's Early Years department can work closely in partnership to support school readiness and transitions (for early years providers only).
 - All administration and running of the provision will be taken on by the PVI provider.
 - The PVI provider will have a separate Ofsted registration and be inspected separately.
 - If the provision were to close, any redundancies and costs would be taken on by the provider, not the school.

Schools working with PVIs should not become involved in the governance of that provision. School staff or Governors should not join any management committee for the PVI provider they are working with due to the risk of liabilities.

Some of the benefits of school run provision include:

- the school retains full control of all aspects of the provision and can ensure that this is included within the vision, ethos, and strategic direction of the school.
- the school will be able to ensure close links between the early years provision and year R.
- the school will be able to ensure wraparound childcare provision complements or supports other aspects of the school's provision, such as enrichment and extracurricular activities.
- sharing of resources and expertise across a distinct phase of education.
- any profit could be used to the benefit of the school and childcare provision.

If the governing body chooses to run the provision you will need to ensure that there is no financial risk to the school and consider the implications should the business not be sustainable. For example, potential redundancies. You may also decide to set up a sub-committee to oversee the running of the provision and report back to the full governing body at regular intervals.

The governing body is responsible for the strategic direction and monitoring of the provision. Best practice would be to have an operational lead and lead governor who champions the early years and childcare provision.

There is a lot of administration involved in the running of successful early years and childcare provision. Consideration must be given to how this will be managed, including the monitoring arrangements for the financial aspects, as well as the educational performance and effective supervision for staff working in and managing the setting.

More information is available in Step 4: Developing a Business Plan.

In West Sussex, the preferred models for early years provision on school sites are either under s27 Community Powers or in partnership with a PVI provider due to the decreased financial risk to the Local Authority.

If you would like to consider identifying and working with a PVI provider, you will not need to carry out steps 4 to 14 in this document. Instead, please follow the guidance as set out in Appendix A to support you to run a tender to select a high-quality provider.

Step 3: Market Research and Consultation

Market research allows you to see how much demand there is in your area for a new business or service. It is important to understand the demand and requirements of your local community to ensure your childcare provision will be successful.

- Using the market research guidance (consultation toolkit) available on find on our [Early Years Business Support](#) page.
- Carefully research your market and the local need. This includes a guide to carrying out consultations, model questionnaires, as well as what to do with the information once you have collated it.

- Analyse the local competition and review if there is a gap in the market for your planned provision. What can your school provide that can meet this need?
- Have you considered if there is a good childminder network locally or if existing provision could expand to meet the need?
- Is there an opportunity to work with other local schools or existing early years and childcare providers?
- Does your planned provision meet the needs of families in your communities? For example, term time vs all year round, opening hours, take up patterns e.g. do families want to use the provision with more hours over less days? Are your plans based on evidence of need?

The West Sussex Childcare Sufficiency Report can also help you to establish where provision may be needed and can be found on our [childcare sufficiency](#) page. This report is updated annually.

Consultation

Provision set up by the school by exercising Section 27 community powers **must** consult with the following groups on your plans, however consultation with these groups is best practice, regardless of how the provision will be set up and managed and **ALL schools must inform the Local Authority:**

1. **The Local Authority** – All schools **must** inform the LA of their intention to set up early years and childcare provision on site so this provision can be included in any local/countywide sufficiency assessment. The form can be located on find on our [Early Years Business Support](#) page.
2. This will also ensure you receive advice and support throughout the project via your local Early Years and Childcare team.
3. The **staff** of the school.
4. The **parents** of registered pupils of the school.
5. **Registered Pupils** of the school (where this is appropriate in view of their age and understanding and where the proposal affects them directly).
6. Any **other** persons the governing body considers appropriate (best practice would be to consult with local early years and childcare providers and with families outside of those with registered pupils of the school who may be potential users of the provision).

The school should ensure that any consultation is fair and open, undertaken with all who could be affected by the proposed change, and that the school have considered the responses received.

Step 4: Developing a Business Plan

A business plan is integral to every successful business. It doesn't need to be very long or time consuming to produce, but once you have written one, it's important to make sure that you use it to manage your business. Business plans should be constantly reviewed to check whether you are achieving what you set out to.

There isn't a fixed format for a business plan, but there are some key things that you should include to make sure that you are thinking about all elements of the business including:

- Your business and its services, including how early years and childcare is included in the vision, ethos and strategic direction of the school
- Marketing and sales
- Competition
- Staffing structures, including recruitment
- Financial forecasts and monitoring
- Current/future demand for places
- Quality – this should link to your improvement plan

Full and comprehensive guidance on how to develop a robust business plan is available on our [Early Years training](#) page and our [Learning Portal](#) for online business support modules.

Step 5: Financial Planning

All businesses need to be well managed to be successful and sustainable. When looking at your financial planning you should produce a cashflow forecast for at least a 3-year period. Further information and guidance to support financial planning is available on our [Early Years Business Support](#) page.

You must consider how will the governing body oversee the financial performance of the provision and make sure that the monies are well spent, including Early Years Funded Entitlement, Early Years Pupil Premium, Inclusion Funding, Disability Access Funding, Holiday Activities and Food (HAF) and any other funding grants accessed as appropriate (see Steps 7-8).

This could include:

- Business plan and cash flow forecast
- Contingency planning, including exit costs
- Number of children required to breakeven
- Managing bad debt

Ultimately, your Business Plan must demonstrate long term viability and eliminate risk to the school and the Local Authority.

The provision must operate as a business and its viability will depend on income. For early years provision this will be from both the take up of early years funded entitlement hours as well as the amount of extra time that parents will buy.

Wraparound childcare will need to be financially sustainable on parental fees. It is important that your consultation and financial planning takes this into consideration. Please note, when looking at a cashflow forecast, maintained schools providing early years provision will receive their funding via the Early Years Funded Entitlement Team on a termly basis rather than as an annual budget via the WSCC Schools Finance Team. This will be based on attendance. See Step 7 for further information on offering Early Years Funded Entitlement.

Charging

Parents should pay for childcare outside of the Early Years Funded Entitlement. Charges to parents should be in line with the guidance on [Charging for School Activities](#).

Schools should ensure that provision is affordable to parents, as far as is reasonably practical. Schools are expected to [Sign up to Tax-Free Childcare](#) and to set up provision in a way that allows parents to use the financial support available through government subsidies such as Tax-Free Childcare and Universal Credit Childcare.

Parents will be able to use Universal Credit childcare support for up to 85% subsidy of their costs, and eligible parents can use Tax Free Childcare to subsidise costs, covering 20% of costs up to £2000 a year. Parents can be signposted to [Childcare Choices](#) to check their eligibility.

In addition, when setting fees, you will need to consider:

- benchmarking prices against other childcare provision in your area
- what you will need to charge to maintain the financial viability of provision
- the need to provide additional support for children who may need it, including those with SEND.

Recharges from the school budget

As part of your cashflow forecast, your school may recharge the costs linked to the day to day running of the provision that would come out of your school budget. This could be to cover a contribution towards, for example, utilities, premises management, administration, and other related costs. Any applicable recharge should be fair and reasonable, following which consideration should be given to how any profits made would be utilised. Please note that any recharges are at the discretion of the school to calculate. Any basis for apportionment should be documented, agreed and minuted by the governing body and reviewed regularly.

An example of how you could calculate these costs would be to work out what percentage of the overall school premises would be used by this provision and then apply that percentage to the overall costs linked to the day-to-day cover.

Alternatively, you could itemise any additional costs individually.

For maintained schools only: If you would like support on how to manage your finances through your school's financial management system (FMS), please contact the Schools Financial Services on sfs@westsussex.gov.uk

Please Note: Schools who are not controlled and run by the local authority will need to seek advice from their own business or finance support team.

Redundancy and exit costs

If you decided to close your business, your school would be responsible for any redundancy costs or liabilities, not West Sussex County Council. You would need to consider redundancy and exit costs and plan for this.

These costs would include redundancy costs, pension strain costs, outstanding payments on premises, professional fees, and advance payments from parents. Where possible, we advise having contingency savings to cover these types of costs.

Census requirements (early years provision only)

- Within state funded schools, it is the status of the child that determines which census should be used, not the nature of the school's early years provision.
- Children attending s27 school community early years provision are recorded via the early years census as they are not registered pupils of the school.
- Children attending a maintained nursery class are registered pupils of the school (2-,3- and 4-year-olds depending on the statutory age range of the school) and are recorded via the school census.

Step 6: Registering School-Based Provision

If the provision is to be run by a PVI setting, it will be their responsibility to register with Ofsted.

Early years provision

Ofsted have produced a [factsheet](#) which sets out when a school must register its early years or wraparound provision, including information for schools converting to an academy.

Schools do not need to register provision on the Early Years Register that has at least one registered pupil aged two years or over. The requirement for 'at least one pupil' can be satisfied by Reception Year pupils, and there is no requirement for the pupils to be in the same room. If you are a secondary school, you will, however, need to register the new nursery separately with Ofsted.

If a school is providing early years provision for children who are not yet two, they must have a separate early years registration. Information relating to this registration process can be found on the Gov.uk website here: [Childminders and childcare providers: register with Ofsted - Guidance - GOV.UK](#)

Wraparound childcare

Schools and trusts should consult [Ofsted's guidance](#) for childcare providers, to understand when the wraparound provision must be registered with Ofsted or a childminder agency, when it cannot be registered, and when it does not have to be.

As a school, you will not need to register wraparound childcare with Ofsted if:

- you are offering it directly as part of your school's activities
- you employ the staff working in the wraparound childcare, and
- there is at least one registered pupil of the school attending

In these instances, it falls under the Ofsted education inspection framework. If you are a school providing childcare that is not eligible for registration on the Childcare Register, you must still meet the register's requirements.

Ofsted will consider this provision as part of the school inspection. During a school inspection, Ofsted may observe pupils at before and after-school clubs. Inspectors would consider evidence proportionately and appropriately in the context of the wider evidence base for the inspection.

Step 7: Offering Early Years Funded Entitlements

This section refers to early years provision only, if your school is not intending to establish early years provision continue to Step 8.

The Early Years Funded Entitlement (EYFE) scheme is open to day nurseries, pre-schools and childminders in West Sussex that meet the scheme's criteria. The terms and conditions for providers are outlined in the [Early Years Funded Entitlement Provider Declaration](#), which must be adhered to.

The EYFE scheme is made up of several different schemes, all with their own eligibility criteria, including Universal EYFE for 3- and 4-year-olds, Working Family Entitlements from 9 months old and 2-year-old LA Issued EYFE.

For further information on EYFE funding rates and how to join the scheme visit [Funded Childcare](#) page.

Step 8: Other funding streams

Early Years Pupil Premium

The Early Years Pupil Premium (EYPP) is additional funding for early years settings to improve the education they provide for children claiming EYFE. This is extra funding for some children who meet the eligibility criteria, which is different and separate to the school's Pupil Premium. Further information is available on [Early Years Business Support](#) page or via the [Early Years Pupil Premium](#).

A further deprivation supplement will be automatically applied to all children in receipt of EYPP.

Inclusion Funding

Inclusion Funding can be awarded to support the inclusion and participation of children with severe/complex needs and/or a disability that are accessing an EYFE place with an early year's provider.

These children may be in receipt of Inclusion Funding for a time limited period only, or for the duration of their place with the Early Years provider.

Early Years providers registered to offer EYFE funded places may request Inclusion Funding where a child needs support which is over and above [Ordinarily Available Inclusive Practice](#). The child must be accessing an EYFE place with the provider in order for the provider to access funding, and the provider will need to complete an Action Plan for Inclusion.

For more information, please see our [Early Years Diversity and Inclusion](#) page.

Disability Access Fund (DAF)

DAF is a measure which aids access to early years places by, for example, supporting providers in making reasonable adjustments to their settings and/or helping with building capacity, be that for the child in question or for the benefit of all children attending the setting.

Children will be eligible for the DAF if the child is in receipt of child Disability Living Allowance (DLA) and the child receives EYFE.

Please note that four-year-olds in primary school reception classes are not eligible for DAF funding. Further information is available here: [Disability Access Fund](#) page.

Capital and Start-up Funding

Capital funding or start-up funding to support an increase in the supply of early years and childcare places may be available at times in response to government reforms. In such cases this funding will be time limited and subject to conditions.

Step 9: Staffing and Recruitment

As part of your business and financial planning you will need to design an appropriate staffing structure. These are some key considerations, but we would recommend that you discuss your staffing structure with your HR support service as the earliest opportunity. You need to know what staff you will need to analyse the financial viability of the business.

Business transfers or take overs

If your planned provision is intending to replace existing provision through a business transfer or take over, steps must be taken to ensure TUPE regulations are met to protect employee rights.

What this means is that if the work is continuing, but a different PVI/school is taking over the work then TUPE applies. If you think TUPE applies, please discuss this immediately with your HR support service who can advise on whether it applies and support you to manage the TUPE process,

For further information on TUPE Transfer of Undertakings (Protection of Employment) refer to: [Business transfers, takeovers and TUPE: Transfers of employment contracts - GOV.UK](#)

Ratios and staffing requirements

The staff to child ratios needed are dependent on the age of children and the qualification levels of staff. You will need to determine how many staff you need to ensure the safety and welfare of children.

For schools offering Early Years provision or wraparound provision that includes children who normally attend reception class during the school day, or younger children (aged 5 or under) there must be sufficient staff as stated in [the Statutory Framework for the Early Years Foundation Stage \(EYFS\) for group and school based providers](#) from paragraph 3.36.

Other considerations

Please refer to your internal HR policies and HR support service for advice and guidance around all aspects of your staffing structure including design, contractual arrangements, recruitment, onboarding, and management.

However, these are some key points you may want to consider:

- How many staff will you need based on child to adult ratios?
- As per your staffing structure and Ofsted requirements, what are the minimum qualifications needed for different roles? Additional staffing may be needed to support children with special educational needs in line with the requirements of the SEND Code of Practice.
- What are the responsibilities for each staff member including line management responsibilities? Job descriptions for all staff roles must be in place. For maintained schools, you will need to consider job evaluation. Role profiles are available in West Sussex Services for Schools on the Job Evaluation pages.
- Staff salaries, contracts and pay conditions, including pensions and benefits.
- How many staff will you require initially? Will you employ the full staff team or build up the team as numbers increase?
- Are there existing internal team members who may take on these roles? If yes, you need to consider what contractual arrangements may be needed.
- As per your staffing structure and Ofsted requirements, what are the minimum qualifications needed for different roles? Additional staffing may be needed to support children with special educational needs in line with the requirements of the SEND Code of Practice.
- How many staff will you require initially? Will you employ the full staff team or build up the team as numbers increase?
- Are there existing internal team members who may take on these roles? What implications might this have on their current contracts?
- Time scales – consider the potential notice periods for the successful applicant and when you would like them to start.
- How will you advertise these positions and where, such as [Early Years and Childcare Jobs](#) page.
- Interview questions and processes.
- How will you cover holidays/sickness and other staff absences, e.g. to attend training.
- You will also need to consider the administration that will be needed. Can existing staff take on this responsibility? Or will additional hours be needed or are you creating an additional post?

Safer Recruitment

You must, of course, follow Safer Recruitment guidelines (including interviews, all pre-employment checks including verification of qualifications, medical fitness, Disclosure and Barring Service (DBS), etc.) Further advice and guidance should be sought from your HR support service.

Step 10: Marketing and Promotion

Marketing is an essential part of business planning to ensure financial viability of your setting. This is key to long-term sustainability. Key considerations include:

- What will the setting be called?
- Will you have a logo or a separate brand identity?
- Will staff wear a uniform?
- Where and how will you advertise, e.g. website, signage, newsletters, noticeboards, banners, fliers, local community, Family Information Service?
- Will you use social media to promote the setting?
- Who will take responsibility for initial and ongoing marketing campaigns?
- How will your marketing show that you are welcoming of all children and families regardless of their background, culture, or individual needs?
- What is the unique selling point (USP) of your setting?
- What can it offer families that they can't get elsewhere?

For further information on marketing your childcare business, visit the [Early Years Business Support](#) page

Step 11: Health and Safety

As you would for your school, the new early years and childcare provision must comply with all Health and Safety regulations. You may find that some new policies, procedures, or risk assessments need developing.

The first step should be to review your current policies, procedures, and risk assessments to ensure the health and safety of the children, staff, parents, and visitors for the new setting are met through these.

You must consider the arrangements for responding to emergencies including fire and lockdown procedures. Pay attention to exit routes and implications for children, parents and staff potentially being on site outside typical school hours and lower age ranges, where relevant, including less mobile children.

Following any significant changes to the site, including how it is used, your fire risk assessment should be reviewed by a competent fire risk assessor.

In addition, you will need to also consider some of the day-to-day practicalities such as:

- Physical access to the setting, with particular focus on drop off and collection times and ensuring children remain safe and secure.
- Age-appropriate equipment and resources, including play equipment.
- Storage, both inside and outside.
- First aid provision, note the additional information regarding paediatric first aid and staffing ratios in the DfE's [Early Years Foundation Stage Statutory Framework](#).
- Toileting/Nappy Changing should be easily accessible so that children can be independent in going to the toilet. Some younger children and those with SEND and/or medical needs may still be in nappies and adults will need to be trained in the personal care of young children.

You should review the intimate care arrangements for the setting. Note: An EYFE place cannot be withheld based on child's learning or health care needs, for example because a child is incontinent.

- Arrangements for the safe disposal of soiled nappies by a suitable contractor and using yellow bins within the setting.
- Lighting and heating, potentially for a longer day and during school holidays.
- Food preparation and storage including baby milk, where applicable.
- Finger guards may be needed on additional cupboards and doors including external gates and fences.

Step 12: Paperwork

As with any early years setting, certain paperwork must be in place. In addition to the points in Step 11 and as a minimum you must:

- Review the Early Years Foundation Stage and Childcare Register to ensure you have all relevant policies and procedures in place.
- Create a prospectus for parents containing all the relevant information about the setting.
- Consider which school policies and procedures need to be reviewed and amended to take into account the new provision and a lower age range. Again, you may need to develop new policies may be specific to the setting.
- Develop a clear admissions process including registration forms and contracts. You should also consider policies to cover fee payment, including the process should invoices be unpaid.
- If you will be offering EYFE places, you must complete a provider declaration and accompanying documents.
- All schools administer their own early years and childcare admissions. You must ensure that your paperwork is clear so that parents are aware that by securing a place in the school's nursery or pre-school, it does NOT guarantee them a place at the school.

Step 13: Quality

As well as being financially viable, you will also need to consider how you will ensure you are providing high quality, inclusive education, and childcare. Research is clear that high quality education in the early years improves outcomes for all children in their early years and has a particularly positive impact for the most vulnerable children. Supporting children to access high quality education and childcare on your school site will have a positive impact for those children throughout their time in school. High quality wraparound provision will also support children's learning and development, as well as ensuring children's time in wraparound childcare is fun, engaging and something they want to attend.

Accommodation for children in the EYFS should, wherever possible, have direct access to outdoor provision. Where this is not possible, alternative arrangements should be made. Legal requirements for accommodation must be adhered to, according to children's ages.

There are several sources of support and guidance which will be of use both prior to opening and as an on-going resource. These include:

- The [Early Years Foundation Stage Statutory Framework for group and schools-based providers](#) which sets standards for the learning, development and care of children from birth to 5 years old. All schools and Ofsted-registered early years providers must follow the EYFS, including childminders, preschools, nurseries, and school reception classes.
- The [Wraparound childcare: guidance for schools and trusts in England](#) (PDF) provides further information and advice for schools on how to deliver wraparound childcare including the quality of provision.
- [Learning, Playing and Interacting - Good practice in the EYFS](#) (PDF) is a resource to support practitioners in developing their understanding of how children learn and how they can support interactions to support children's learning and development.
- [Challenging practice to further improve learning, playing and interacting in the Early Years Foundation Stage](#) (PDF) provides a framework to support early years leads to develop, review and improve the quality of their early years provision.
- Information on what **Ofsted** considers high quality and how they will look for evidence of high quality is also outlined in the Inspection Framework. [Early years inspection handbook for Ofsted-registered provision - GOV.UK](#)
- WSCC website has a wealth of information for childcare providers resources and guidance to help you, including quality improvement practice support and a comprehensive training programme available on our [Early Years and Childcare](#) page.

Step 14: Supporting children with Special Educational Needs and Disabilities (SEND)

All early years and childcare providers must 'have regard to the [Special Educational Needs and Disabilities \(SEND\) Code of Practice 2015](#)'.

Chapter 5 of the Code of Practice explains the actions early years and childcare providers should take to meet their duties in relation to identifying and supporting all children with SEND, whether they have an Education, Health and Care plan (EHCP) in place or not.

Most children with additional or special educational needs will not require special resources or enhanced staffing to be successfully included. Early Years and Childcare providers can usually meet the additional needs of their children well using reasonable adjustments and Ordinarily Available Inclusive Practice (OAIP).

Further information and support is available on our [Diversity and Inclusion](#) page.

Appendix A: Tendering process for selecting a High-Quality Provider to run Early Years and Childcare Provision at your school

Your school has the responsibility to ensure that any selection process is open, fair and transparent.

The process must be owned and led by those responsible for the governance of the school. This appendix sets out a best practice guide on how to design and manage the selection process.

Although the provision will be run by an independent childcare provider, the quality and ethos of the selected provider will reflect on the school which is why it is important to follow a comprehensive, managed process that is right for both the school and the provider.

Throughout the process the following principles should be adopted:

- An open and transparent process must be promoted throughout all steps.
- There must be evidenced based decision making to reduce the risk of challenge to both the school and the Local Authority.
- A robust audit trail must be kept.
- Consistent information must be distributed to all potential applicants.
- Confidentiality must be maintained at all times.

Planning and preparation of the selection process

This stage is extremely important to ensure you can meet your planned outcome. Setting up high quality, sustainable childcare takes time and whichever provider you select, they will need time to recruit staff, register with Ofsted and potentially make some adjustments to the space from which they will be operating to name but a few elements.

It is crucial to be realistic with your timescales. You should devise a timetable which breaks down the dates and times required for the selection process, bearing in mind that the provider will have some work to do prior to opening. For example, if you select your provider on the last day of the summer term, it is unlikely they will have enough time to go through the required Ofsted registration process to open in the September. You should already have recorded approval to proceed with selecting a childcare provider from the governing body and now need to decide who will be part of the panel that will devise and carry out the process to select a provider. Best practice would be to include a minimum of 3 to 5 people, but this can be flexible to meet your needs.

If you are looking for an Early Years provider, it would be good practice to include the lead for early years or a reception teacher. Your panel must always include someone from the Governing Body. Also consider the panel's current roles and standing in the community. For example, if a governor is also the manager of a local nursery, will this be a conflict of interest or a welcomed source of knowledge?

It may help to think of this as similar to your staff recruitment process. There must be a set evaluation criteria for applicants and a clear and transparent scoring system which is evidence based. This will support you in your decision making.

As part of the planning, you must also consider what resources this will require and any potential cost implications. For example:

- Will you need to release any staff from teaching time or other roles to support this process?
- What administration will this require and who has the capacity to coordinate tasks (for example, sending out application packs and collating information as it is received).

You must ensure you engage with the childcare providers in your area advising them of the opportunity to open childcare provision on the school site. This will ensure both fairness and transparency and must also include childminders.

You can decide how far you advertise depending on your circumstances but be prepared to explain your decision making should you be challenged. A minimum of 3-mile radius of the school is encouraged, depending on the number of potential applicants this would achieve.

Alternatively, the Family Information Service can share the business opportunity through the weekly newsletter which is sent to all Ofsted registered providers across the county: family.info.service@westsussex.gov.uk.

Application packs

The application pack should include:

- Information about the school including a covering letter from the Governing Body, a map of the school's designated area and a prospectus.
- A breakdown of the times, dates, and the process for the selection of a provider.
- The application evaluation criteria.
- A list of documents to be submitted. For example:
 - 3-year cash flow forecast. – Business Plan.
 - Most recent Ofsted Inspection Report (if applicable).
 - Specified Policies – for example, safeguarding, admissions, equality of opportunity, health and safety.
 - References (be clear on which stage of the process these may be taken up and who are suitable to act as a reference).

Reviewing and scoring

Adequate time must be allocated for the panel to review and score all applications as per your planned timeline. All applicants must be treated equitably so that no unfair advantage is given to any one application. Deadlines for applications should be strictly kept to.

You must develop a clear and transparent scoring system that is evidence based to support you in your decision making, as well as to reduce the risk of challenge to the school and the Local Authority. There must be a robust audit trail. Following the review of the applications, the panel may decide to rule out some of the applicants based on their scoring system and related evidence. These applicants must be informed, and the school must be prepared to give evidence-based feedback.

On Site Visits

It is strongly advised that you carry out on site visits to applicants where possible. It is recommended that 2 members of the evaluation panel carry out the visits. You should ensure the same panel members carry out all the visits for consistency. For obvious reasons, the visit should be sensitive to the needs of the provider and having more than 2 adults visiting may be disruptive to the children attending.

You must plan how the visits will be carried out. Adults with clipboards can be quite intimidating for staff and children and you want to see the childcare provision operating as it would on any day.

Scoring should be based on the professional views of those attending and all findings should be fed back to the evaluation panel. Evaluation criteria should be set before the visit including a scoring system. Following the visits, the panel may decide to rule out some of the applications based on their scoring system and related evidence. These applicants must be informed, and the school should be prepared to give evidence-based feedback.

You may decide to also invite applicants to carry out a presentation/interview when the scoring of both the application and the visit have been close between two or more applicants. You can make your decision based purely on the outcome of the application and visit. You can only do this if this was clear to the applicants in the application pack. If this is the case, and you are ready to inform applicants of outcomes.

Interviews / presentations

If you decide to use this step, the Governing Body should set a question for all providers to respond to in a timed presentation in front of the Evaluation Panel e.g. 10 minutes. This can be followed by a question-and-answer session based on the application they submitted. Example presentation questions could include:

- What do you think makes high quality childcare provision?
- What are the opportunities and challenges of running a childcare business on a school site?
- How will you work in partnership with the school and local community?

The evaluation criteria should be set, based on the question, before the interviews/presentations and score sheets taken on the day on which to take notes. Be prepared to answer questions from the candidates following the interview.

The Evaluation Panel must refrain from discussing other providers bids at all times.

Informing applicants of outcomes

The panel must review the scoring from all aspects of this process and make a decision on which provider has been successful. The panel must decide the following:

- Who will inform the applicants of the outcome?
- How feedback will be given?

Once the successful applicant has accepted, you should also inform parents, in partnership with the successful provider.

Licences

Where the proposed provision is run by a Private, Voluntary or Independent (PVI) third party childcare provider on the school site, heads of terms (including a rental to be charged) will need to be agreed in liaison with Property Services Estates Team and a suitable lease agreement will need to be put in place with the provider for the space used. The lease agreement will be drafted and completed by WSCC Legal Services under instruction from the Property Services Estates Team.

At least one school terms notice will be required to have sufficient time to visit the school, agree relevant heads of terms and liaise with Legal Services concerning the drafting and completion of any lease. If a matter is complex further time may be needed. Timescales for completing this work are not guaranteed and will vary according to demand so please engage with WSCC at the earliest possible stage.

Where the school premises are fully owned by the Diocese or Trustees, the school and the prospective providers will need to approach the Diocese' or Trustees to progress the appropriate legal agreements.

WSCC needs to be involved in negotiating leases for WSCC maintained schools, however it is important that you contact the Estates team in **all** instances to check any requirements or considerations that will need to be planned for your school.

Please contact WSCC Property Services Estates team for support and guidance via valuations.estates@westsussex.gov.uk.

There could be a cost implication to this which is usually taken on by the provider.

Communication

In addition to the information included in the licence, it is important that the school and the provider work through any additional items which need considering and including in an agreement. Examples to think about include:

- How will the provider and school communicate?
- Who will be the main contact?
- Will there be regular planned meetings? And what will these cover?
- How will you regularly evaluate the partnership arrangement?
- Sharing of equipment/resources and input from personnel i.e. staff, facilities, cleaning.
- What is the process if something is broken/lost etc.?
- How will parents contact the setting?

- How will parents access the setting?
- What will the rent include? Consider consumables such as cleaning, toilet rolls, light bulbs etc.
- How will the setting be marketed? Will the school advertise in newsletter? Put flyers in book bags? Can the setting have signage up and where?

In addition to the above, for school aged provision:

- Do the school want to consider subsidising any places using Pupil Premium funding? How could this be administered?
- Where will children be collected from? Classrooms? Or a designated space such as the school library?
- Does the setting have transport/a minibus? Where will they park?

There will be other aspects to consider which are specific to your school, the premises and the provider. It is recommended that such an agreement is reviewed termly for the first year of operating and then you can decide how regularly this is needed.

Once all this is complete, you are ready to move forward and open! Congratulations!